## MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

## **November 18, 2002**

## **DIVISION TWO**

B157184 People (Not for Publication)

v. Burke

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.

Ashmann-Gerst, J.

B161435 Kim T. (Not for Publication)

V.

Superior Court, Los Angeles County

(D.C.F.S., r.p.i.)

The petition for writ of mandate is granted. The order to show cause is discharged.

Nott, Acting P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

#### **DIVISION THREE**

B151244 Gary Guerrero (Not for Publication)

V

City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

## DIVISION THREE (Continued)

B154694 Alan Phan

V.

Gerald Newman, et al.

Filed order denying petition for rehearing and request for publication of opinion denied.

B146155 Greg Cortese, et al.

V.

The J. Paul Getty Trust

Filed order denying petition for rehearing.

### **DIVISION FOUR**

B125242 Bravo (Not for Publication)

v. Giblin

The judgment is modified to reflect a reduction in the amount awarded in the amount of \$14, 280. As modified, the judgment is affirmed. The parties are to bear their own costs on appeal.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

B156073 Dillon (Not for Publication)

V.

Governing Board of The Long Beach Unified School District et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.

## DIVISION FOUR

B152665 Tchakmakjian (Not for Publication)

City of Glendale

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

People (Not for Publication) B157085

V.

Rodolfo C.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Curry, J.

(Not for Publication) B156970 People

V.

Jablonski

For the foregoing reasons, this matter is remanded for resentencing. In all

other respects the judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

## DIVISION FOUR (Continued)

B155174 People (Not for Publication)

V.

Galindo

For the foregoing reasons, we remand for the limited purpose of allowing the trial court to exercise its discretion to either impose or strike the Penal Code section 667.5, subdivision (b) enhancements, and in all other respects, affirm the judgment.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B157133 People (Not for Publication)

V.

Rasheed

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.

Curry, J.

B157315 People (Not for Publication)

V.

Jewsbury

The judgment is affirmed. The matter is remanded to the trial court solely for the purpose of correction the abstract of judgment to reflect that the conviction on count 11 is for violation of section 290, subdivisoin (g)(2), and sending a corrected abstract to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.

## DIVISION FOUR (Continued)

B149646 People (Not for Publication)

V.

Garrett, Jr.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Curry, J.

B133520 Presley (Not for Publication)

v. Grant

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Hastings, J.

B157058 Los Angeles County, D.C.S. (Not for Publication)

V.

Valentin R.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B152507 Delgadillo (Not for Publication)

v.

City of Gardena et al.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

## DIVISION FOUR (Continued)

B153022 Ho-Bo Engineering, Inc.

(Not for Publication)

V.

Chartered Construction Corporation et al.

The consolidated appeals are dismissed. The motion for sanctions is denied. Costs are awarded to respondents and against Gladych.

Hastings, J.

We concur: Vogel (C.S.), P.J.

Curry, J.

B155772 Los Angeles County, D.C.S. (Not for Publication)

V.

Jesse F.

The order denying appellant's section 388 petition is reversed, and the matter is remanded for the trial court to grant the section 388 petition, to vacated all other orders made at the section 366.26 hearing as they relate to appellant, and to start the proceedings over as they pertain to appellant, commencing from the time of adjudication of dependency.

Hastings, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

B159157 Natural Resources Defense Council, Inc., et al.

V.

City of Los Angeles, et al.

Filed order denying petition for rehearing.

#### **DIVISION FIVE**

B151458 Papa John's Pizza, et al. (Not for Publication)

V.

Judy Ha.

The judgment is reversed. Tenant (respondent) is to pay landlord's costs on appeal.

Grignon, J.

We concur: Turner, P.J.

Armstrong, J.

B153171 Mac Neufeld, et al. (Not for Publication)

V.

OZ-US Film Productions PTY Limited.

The order is affirmed. OZ-US's (respondent) motion for sanctions, filed September 13, 2002, is denied. OZ-US is awarded its costs on appeal.

Grignon, J.

I concur: Turner, P.J.

I dissent: Mosk, J. (Opinion)

B154200 Marilyn Ross (Not for Publication)

V

Wesco Aircraft

The judgment is affirmed. Respondent Wesco Aircraft is warded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.

Mosk, J.

## DIVISION FIVE (Continued)

B152431 People (Not for Publication)

V.

Desi Burns

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.

Armstrong, J.

B154763 People (Not for Publication)

V.

Abral Granger

The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment, which accurately sets forth the fines imposed pursuant to Penal Code sections 1202.4, subdivision (b), and 1202.45. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.

Mosk, J.

B153908 People (Not for Publication)

V.

Kenneth Carlisle

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.

Mosk, J.

## DIVISION FIVE (Continued)

B154468 People (Not for Publication)

V.

Tyree Davis

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.

Armstrong, J.

B153886 Ruel Mizrachi (Not for Publication)

V.

Ziona Rotter, as Trustee etc.

The order is affirmed. Ziona Rotter, as trustee of the Joseph and Sara Jane Mizrachi Revocable Trust, shall recover her costs incurred on appeal.

Turner, P.J.

We concur: Grignon, J.

Mosk, J.

B154311 Peggy J. Soukup (Not for Publication)

V.

Greg K. Hafif, et al.

Filed order modifying opinion. Petitions for rehearing are denied. (No change in the judgment)

Justice Mosk would grant a rehearing.

#### **DIVISION SIX**

B156044 Doherty (Certified for Publication)

V.

Doherty

We dismiss the appeal and issue a peremptory writ of mandate directing the trial court to vacate its November 20, 2001, order, and enter a different order finding there is no community interest in the Kodak mortgage subsidy received after the parties' separation. Judith is entitled to costs.

Gilbert, P.J.

We concur: Yegan, J.

Coffee, J.

B141914 Gass, et al. (Not for Publication)

V.

NSK LTD., et al.

The judgment is affirmed. Costs on appeal are awarded to appellants Gass.

Perren, J.

We concur: Gilbert, P.J.

Yegan, J.

B154097 Maes (Not for Publication)

V.

**Roberts** 

The judgment denying attorney fees to Maes is reversed. On remand, the trial court is ordered to strike paragraph E from the judgment and award Maes her reasonable attorney fees incurred in bringing the section 664.6 motion. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

## **DIVISION SIX (Continued)**

B159261 People (Not for Publication)

V.

Gonzalez

The judgment (order of recommitment) is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

## **DIVISION EIGHT**

B156183 Magness Petroleum Company (Certified for Publication)

V.

Warren Resources of California, Inc., et al.

The order denying Magness' petition to compel arbitration before the American Arbitration Association is reversed, and the cause is remanded to the trial court with directions to vacate its order and enter a new order granting Magness' petition and denying Warren's. Magness is to recover costs on appeal.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B154795 People (Not for Publication)

V.

Lomeli

The jury's true findings on the Penal Code section 186.22, subdivision (b)(1) allegations are reversed, and the three-year Penal Code section 186.22, subdivision (b)(1) enhancement imposed by the court on count one is vacated. In all others respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

## **DIVISION EIGHT (Continued)**

B151242 Margie Cruz (Not for Publication)

V.

Arthur Cruz

The judgment is affirmed. Arthur is to have his costs on appeal.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B151722 People (Certified for Publication)

v. Hall

The trial court's order requiring appellant to perform community service in lieu of paying probation costs is stricken. The case is remanded to the trial court with directions to institute proceedings in accordance with Penal Code section 1203.1 b, subdivision (b) to determine appellant's ability to pay all or part of the costs of his probation and the amount of such payment. In all others respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B156559 Los Angeles County, D.C.S. (Not for Publication)

V.

Concetta T.,

In re Summer T., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

# **DIVISION EIGHT (Continued)**

B161062 Tanya H. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.